

Cha: A *Series*
DISCOURSE
of God's ways of *1488 gg.* 24.
DISPOSING
OF
KINGDOMS.

PART I.

By the Bishop of S. ASAPH, Lord Almoner to
THEIR MAJESTIES.

*King Charles I. Works p. 711. in his Letter to his Son.
With God I would have you begin and end, who is King
of Kings, the Soverain disposer of the Kingdoms of the
World, who putteth down one and setteth up another.*

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L O N D O N,

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Lloyd (William)

Chas. A. Jones



TO THE
READER:

HAVING had the honor to preach before their Majesties on the first day of November last, and afterward to be commanded by Them to print my Sermon, which contain'd many things concerning the late Revolution; I humbly crav'd leave to put my thoughts into another form; wherein I might, not only say those things more at large, but also prove what I had said in that Sermon; knowing I could do it by such Authorities as would be sufficient to clear me from that charge of Singularity or Novelty which hath been too liberally thrown upon others that have preach'd or written on that Subject.

I know I am not better then my Brethren that have been thus us'd, and therefore I expect to be treated no better then they have been. But I think I have taken a Course to prevent the bringing of any charge against me on that head. It will appear that I have deliver'd no other Doctrine then that which has been receiv'd and past for current in the Church of England, ever since the Reformation. And I hope it will be some service

To the Reader.

vice to that excellent Church, to shew that what some have reported of her Doctrins, hath had no other ground, but the mistakes of some of her Sons; who, tho excellent men, and such as our Church may justly glory of upon other accounts, yet I must needs say have judg'd too hastily of this matter; and seem to be too jealous of themselves, for fear some wordly consideration should strike in with those second thoughts that would make them judge otherwise.

We are not to answer for the private Opinions of all that are or have been of our Communion. But, God be prais'd, we may safely stand by the Doctrins of our Church, and the most approv'd Writers thereof. They are those that I have endeavour'd to set forth in this following Discourse. While we adhere to them, it will be for the honor of our Church; that as it hath been always accounted the Bulwark of the Protestant Religion, and prov'd it self to be so most eminently in the last Reign; so it will appear to be the only unshaken strength of this Monarchy; especially by the encouragment it hath now under their Majesties Government, which I beseech God long to continue, to his Glory and the peace and prosperity of these Kingdoms.

THE

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DISCOURSE
of God's ways of
DISPOSING
OF
KINGDOMS.

Psalms LXXV. Verses 6, 7.

*For Promotion cometh neither from the East, nor
from the West, nor from the South.*

*But God is the Judge; He putteth down one,
and setteth up another.*

§. 1. **T**HIS Psalm was compos'd by David (as I take it,) considering the State of Affairs that was immediately after *Saul's* death: (a) When (as it is here, (a) Psalm Vers. 3.) *the Land, and the Inhabiters thereof* The Occa-
sion of this
Psalm.
LXXV. 3.

were dissolv'd, and even ready to fall; but that *David* bore up the *Pillars* of it.

The scope
of these
words

(b) Psal.
LXXV. 4 5.

§. 2. Then, being in the nearest prospect of the Kingdom, he called to remembrance what he had formerly said, what warnings he had given, to those Fools and wicked men, that laid about them in *Saul's* time, as if there would be no end of it. (b) *I said to the fools, deal not so foolishly; and to the wicked lift not up your horn.* Do not bear your selves so high, as it seems they did on that unhappy King's Favor. Do not boast your selves of the power you have to do (c) mischief; That's the common use of Power, when it comes in the hands of *Fools* and *wicked men*.

(c) Psal.
LII. 1.

I. That all
Power is
from God.

§. 3. To teach them better, *David* shews whence it is that Power comes into Mens hands; and upon what terms they are to hold it. These two things the Psalmist shews in the words of this Text.

First, for the true Original of Power.

This in *David's* time all men took to be from Heaven, but from whom there, many knew not. The Eastern Nations, who were generally

generally given to Astrology, took it to come from their Stars; and especially from the Sun, which was the chief Object of their Worship. The Psalmist tells them, *No. Promotion cometh not* that way: Neither from the Planet's rising, nor setting, nor from its exaltation in mid-Heaven. That's the meaning of the words, *from the East, nor from the West, nor from the South.*

From the North of the Zodiac, or from ~~the~~ the hidden part under the Horizon, they never thought it to come. And (as (a) some think) that's the reason why that part of Heaven is not mention'd.

But the Psalmist might have another Reason to himself, why he did not think fit to say, it comes not from the North. For there (as he saith (b) elsewhere) *on the North-side* of Jerusalem was Mount Sion, the City of the great King of Heaven and Earth. There in David's time was the Tabernacle, and afterwards there was the Temple, in which the Mercy-seat between the Cherubims was the place of the Symbolical Presence of God.

It

(a) In *Aben-Ezra*.

(b) *Psalm XLVIII. 1.*

(a) Esa.
XIV. 13.

(b) Psa.
LXXXII. 1.

It was that (a) a Mountain of the Congregation in the sides of the North, where God ordinarily sate to hear the Prayers of his people. And where, in case of any Oppression, he stood to (b) judge among the Gods, Could David say Promotion comes not from thence? No, he saith the contrary in the following words; for God is the Judge: plainly shewing, that to him Kings owe their Authority. But

II. That
he gives it
Judicially.

§. 4. Secondly, It is to him as Judge. He gives it Judicially. And so to him they are to account for it. Them that use their Power well, he rewards for it; and that ordinarily, with a long and prosperous Reign. Them that abuse their Trust, he as ordinarily deprives; and gives that power into other hands; as it follows, *He puts down one, and sets up another.*

This is the plain meaning of the Psalmist's words; which will be of great use in the following discourse. Now for the matters contain'd in it.

The Heads
of the fol-
lowing Dis-
course.

§. 5. First, Promotion, or Exaltation to power; and Secondly, the transferring of it from

from *one* to *another*, (as from *Saul* to *David* in the Case before us,) both these are ascrib'd hereto God: And that by him that was best able to judge of these matters.

David, as being a Prophet inspir'd, best knew the mind of God, and his ways of dealing with Mankind. And *David*, as being call'd to be a King by the immediate designation of God, best knew what belong'd to that dignity. His word therefore is on all accounts a sufficient proof.

But that what he says may be the better understood, I shall shew, First in General, and then in Sundry particulars, that 'tis the Prerogative of God, by which He acts, both in the disposing, and also in the transferring of Kingdoms.

Secondly, I shall shew that the work of God in bringing His Majesty into this Kingdom; was truly God's making use of the latter branch of his Prerogative, in *putting down one, and setting up another.*

Lastly

Lastly, That it ought to be acknowledg'd by us; not only in an humble Submission to their Majesties Government, but also by paying them all those Duties which Subjects owe to their Prince, according to the word of God, and the Laws of this Kingdom.

Of the Institution of Government.

(a) Rom. XIII. 1, 2.

§. 6. First, for the Original of Government. Of this the less needs to be said, because it is so plainly declar'd, and so often repeated in Scripture. It is declar'd of Government in general, that it is the (a) *Ordinance of God*; That is, it is a thing of Divine Institution. It is not only permitted by his Providence, but it is appointed by his Will, that there should be a Government among Men. It is the way he hath provided for the good of human Society. And therefore whosoever is against it, he is an Enemy to human Society.

But because all Mankind cannot be under any one Government, no more than they can all be one People, or one Nation; therefore the Apostle goes farther, to apply this to the several

several Governments of the several Nations and Countries.

The (a) Powers that be are of God: That is, the several Kingdoms and States, even all that are in the World, all have their Authority from God. And *whoever* disobeys or *resists*, the publick Order and Government of the Kingdom or State where he lives, he disobeys or *(b) resists (b) Verſ. 2.* the Ordinance of God; and *he shall be call'd to account for it.* The Magistrate may punish him if he will. He hath the Sword of God committed to him for that purpose, as well for the punishment of this as of all other Enormities. But for this, if the Magistrate will not, or cannot, God will surely do it, *first or last; He that resists, shall receive to himself Damnation.* Here is a plain Declaration of the Will of God, as to the Institution of Government in general. But now as to the conferring of it on particular Persons.

God's ways
of conferring
Soverain
Power.

§. 8. I This at first was from God, we are sure, because it was from the beginning of Mankind. The first Men that were born into the World, were all of Adam's Family. And so were all that came after, till some of them went forth, as *Cain* did to make Families for

I. Immediately, in the Patriarchs times.

C

them.

themselves. Till then, they were govern'd by him that was the common Father of Mankind.

Noah was the Father of all them that liv'd after the Flood; and he was their Governor too, till his Children were too many to live in one Country, or under one Government, and then they branch'd themselves into Nations, (a) among whom the Earth was divided.

(a) Gen. X.
32.

When the Fathers or Heads of some of those Nations made Conquests upon one another, as Nimrod did on the Nations about him, who was therefore call'd (b) a mighty hunter before the Lord, or when they were otherwise incorporated together, these made the ancient great Monarchies, whereof the Assyrian and Egyptian are famous in ancient History.

(b) Gen. X.
9.

Other of those Nations, or rather great Families, continu'd in their ancient way of Patriarchical Government. Particularly in that Line out of which God chose his peculiar People, Abraham was (c) a mighty Prince in his days: But all his Subjects were of his Family, out of which proceeded (d) many Nations. From his Son Isaac, there came (e) two Nations of People; one of them by Esau Father of Edom, the other by Jacob the Father of Israel; who for their times

(c) Gen.
Xxiii. 6.

(d) Gen.
Xvii. 9.

(e) Gen.
Xxv. 23.

times also govern'd those Families or Nations.

When *Jacob* and all his Family went down into *Egypt*, there ended their Patriarchical Government. After which, being Subjects to the King of that Country, they were brought into a long and sore Bondage, which (a) *made their Lives bitter to them* for many Generations. (a) Exod. I. 14.

§. 9. 2. From this God deliver'd them by the hand of *Moses*. And to shew them how they ought to value this mercy, from thence he entitl'd himself to be (b) their King, and dated the (c) beginning of his Reign. As such he gave them Laws according to which they were govern'd by his Vicegerents. First his Servant *Moses*, then *Joshua*, and then all the Judges successively. They were all such as he either nam'd to them himself, or gave such signs of his chusing them as were equivalent to a Nomination. (b) Exod. Xix. 4, 5. 2 Sam. Xii. 12. (c) Psal. Cxxiv. 1, 2.

§. 10. 3. This *Theocracy*, as we call it, continu'd from their coming up out of *Egypt*, till such time as God, at his Peoples desire, gave them (d) a King to judge them like all the Nations. (d) 1 Sam. VIII. 5.

How was that? In most Nations we read of at that time, and perhaps in some from the Confusion of Tongues, it was the Peoples part to chuse who should rule over them: And that

either upon every Vacancy, as in Elective Kingdoms; or at the firſt, once for all, as in thoſe that were Hereditary. God was pleas'd ſo far to grant his People's Requeſt, that they ſhould be an Hereditary Kingdom: But for the firſt King of the reigning Line, God would have the chuſing of him himſelf. And ac-

(a) 1 Sam.
Xiii. 13.

cordingly, firſt he choſe *Saul*, whoſe (a) Kingdom ſhould have been Hereditary, if he had not hindred it by his Diſobedience to God.

(b) Ver. 14.

Then God made choiſe of *David*, a Man (b) after his own heart; and *David* having many

(c) 1 Chron.
Xviii. 5.

Sons, among them all God (c) choſe *Solomon* to continue the Succeſſion in him and his Heirs, as he did till the *Babylonian* Captivity.

This account that I have given, runs through half the Age of the World. And ſo far, I think, it is worth the obſerving, that there was no other ſtanding Government in that Nation, which God choſe to be his peculiar People, but what was adminiſtered by ſingle Perſons. And thoſe Perſons Title to the Government was either Patriarchal, or by Divine Nomination: Both which ways of coming into Power were ſo wholly of God, that the People had nothing to do, but to accept the Choice of God, and to ſubmit to it. §. II.

§. 11. II. In other Nations indeed, that did not keep up the Patriarchal Right, there the Peoples Consent was required, except in the Case of Conquest before mention'd. And this Consent being merely an human Act, it may seem that the Authority it gives, is not, as we are taught, from God only.

II. Mediat-ly by consent of the People.

But to set this Matter right, we are to consider by what Motives it is, that the People are generally led, to chuse any one to rule over them. All their Motives may be reduc'd to these two; either Merit, or Favor. If there be any other, they are but Compositions of these.

And that

§. 12. I. The first Choise of Kings I conceive to have been made on account of Merit, the People being led to it by a sense of the Benefits they had receiv'd. I judge so from that which having been already shewn I take now for granted, that the Earth was peopl'd at first by great Families. Now when those, by Oppression of powerful Neighbors, or by Civil Discord among themselves, came to be in great Distress, such as made them see the Necessity of being united in greater Bodies for their own Preservation; those Heroic Men, that shew'd them

I. On account of Merit. Thus especially on Founders of Nations.

(a) Exod.
Xxxii. 1.

them the way of it, and that brought them under Government and Laws, these were called the FOUNDERS of the Nations. Such was *Moses* among the People of *Israel*. When he had brought them out of *Egypt*, they own'd this as a Title to Government, that he would have had, (a) even without Divine Nomination. Such was *Cecrops* among the *Arbenians*, and *Romulus* among the *Romans*, and other first Kings in other Nations; who were so sensible of the Benefits that they receiv'd by them, that they not only believ'd them sent from God, but they made them Gods themselves, and worship'd them, as the Tutelar Deities of their Nations.

On first
Planters.

§. 13. Next to these, and something like them, were the first Planters of Colonies: Such as *Cadmus* was at *Thebes*, *Aeneas* in *Latium*, and the like. In *England* such were *Hengist*, and the rest that began the Seven Kingdoms of the *Saxon* Heptarchy. From one of these, namely, from *Cerdic* King of the *West-Saxons*, the Descent of our Royal Family is unquestionable.

On Resto-
rers and De-
liverers.

§. 14. But the most like to Founders are they whom God raises up to be the Restorers and Deliverers of a People, when they are either

ther brought low by Tyranny and Oppression, or when they are torn in pieces by Factions among themselves. Thus when the *Jews* were oppress'd by *Antiochus Epiphanes*, who had Right indeed to a Tribute from that People, but not content with that, would usurp an absolute Dominion over them; *Mattathias* and his Sons stood up for their Religion and Liberty; and by asserting both, they so won the People to themselves, that with their Consent (a) the Government was establish'd in that (a) 1 Macc. Family. And thus when the *Roman State*, being ^{Xiv. 41, 49.} torn by a long Civil War, had even bled it self to death, (it had certainly expir'd, if it had been left to it self,) *Augustus* came in, and not only bound up the Wounds, but put, as it were, a new Soul into the Body; He made it not only live, but flourish, by his great Care and Wisdom, and Industry; which so oblig'd the People, that they even forc'd him to accept of the Empire. These were such Benefits to Mankind, as whosoever was enabl'd to do, it was as if God had put a Glory about his Head; it so markt him out to the People, that they could not go beside him in their Choise; they took him as one already chosen of God.

II. On account of Favor.

S. 15. II. Where Kings have been chosen on account of less Benefits, there have been grains of Favor thrown in to make up weight. Favor is a Motive, (as I have shewn,) which works as well singly, as when it is join'd with any other Consideration. For it is grounded, not so much upon real Worth, as upon the Opinion they have conceiv'd of any Person. It is Opinion that governs the unthinking sort of Men, which are far the greatest part of the Body of a Nation. And when all these go together, they are like the Atoms of Air, which though taken apart they are too light to be felt, yet being gather'd into a Wind, they are too strong to be withstood. But he that brings the Winds out of his Treasures, he also governs these, and turns them which way he pleases. It is the same great God, that (a) rules the roaring Waves of the Sea, and the (b) Multitude of the People.

(a) Psal.
Lxv 7.
מִן הַיָּם (b)
וּמִן הָעָם
In the first
Elections of
Kings.

S. 16 For Examples of this in the Electing of Kings, we are not to look for them in Scripture, because all the Kings that God set over his People were, as I have shewn, by Divine Nominations. But since there were other ways by which Kings were made in other

Nations; and since we are sure the *Psalmist's* words are as true of these, as of any that we read of in Scripture; therefore I conclude, that in these also *Promotion* came from God, by those ways (a) which his Providence us'd in setting up the first Kings in other Nations.

(a) King
James's
Works,
p. 612. What
God did di-

rectly by his Word and Oracle among his own People in the Election of Kings he did it only by his secret working in the Hearts of other Nations, though themselves knew not whence those Motions came which God by his Finger writ in their Hearts.

§. 21. This Doctrin is as true of the following Kings that came in by Hereditary Succession, where that way was taken in the Constitution of any Kingdom. These Kings are indeed so much more the Creatures of God, as they owe less to Men than any others, except only those that came in by Patriarchal Right, or by Divine Nomination. There was the Act of Man in that general Consent by which their Ancestors came first into the Government. And by this Consent the Government being made Hereditary, there was no need of any other Human Act for the Continuance of it in their Family. There is

In Hereditary Successions.

D nothing

nothing more Sacred among Men than a Right of Inheritance. But for the Derivation of that Right to their Persons, they owe it only to God: (a) For it comes to them by their Birth, and they owe their Birth only to God.

(a) *Iren. adv.*

Hæref. V. 24.

Cujus jussu

homines nas-

cuntur, hujus

jussu & Reges constituuntur.

By whole Command they are born Men, by his Command they are also made Kings.

Tertull. Apologet. c. 30.

Inde est Imperator unde & homo antequam Imperator; inde Potestas illi unde & Spiritus.

He is from thence made Emperor from whence he has also his Breath.

In Elective Kingdoms.

§. 22. In those Kingdoms wherein the Succession is continu'd by a new Election upon every Vacancy, or wherein a new Election is made upon the Extinguishing of the Royal Family, the Person on whom the Election falls in either Case, owes his promotion to God, from whom it comes the same way to him, as it came to his first Predecessor in that Kingdom.

In Free States.

§. 23. I do not speak all this while of Free States or Commonwealths, because I do not believe there was any such Government known in the World in *David's* time. For as we read of no such in Scripture, so it is agreed among

among the (a) most Learned Heathen Writers, that the first Government every where was by Kings. But wheresoever, upon the Cession of Kings, or the ceasing of the Royal Family, or the like, there has followed a Change of the Government, from a Monarchy to a Free State or Commonwealth; there also the Sovereign Power was of God; and they that were invested with it had their Promotion from him, by that Act of his Providence by which the Change was made, namely, by the Consent of the People. And the same way the Providence of God brings in others to succeed them in their Power from time to time.

(a) *Plato de Legibus iii. Aristot. Polit. l. 3. Polyb. Hist. vi.*
There are others in *Sanderfon. de Oblig. Conic. vii. 16*

It has been prov'd in all sorts of Government, that as the Sovereign Power in every Country or Nation is of God, so they that are invested with it, whether one or many, are in the place of God, and have their *Promotion* from him: which was the first Part of the Doctrine of this Text.

§. 24. The 2d. Part is, that the Transferring of this Power from one to another, is the Act of God. And this he does proceeding Judicially, as being *Judge*, saith our *Psalmist*.

Of Transferring the Power from one to another.

Here are two things to be consider'd. First, that it is God that does this; and Secondly, that he does it Judicially.

That this is
the Act of
God.

§. 25. For the first of these, that the transferring of Power from one to another is the Act of God, this adds much to that which went before in the Text. It shews that God has such an Interest in the disposing of power, as none can pretend to but himself.

Men have their part in setting up what they cannot put down again. It is a Woman's Consent makes a Man be her Husband, the Fellows of a Colledge chuse one to be their Head, a Corporation chuse one to be their Mayor: All these do only chuse the Person, they do not give him the Authority. It is the Law that gives that, and that Law so binds their hands that they cannot undo what they have done.

No more can a Nation(a) undo its own Act, in chusing Men into Sovereign Power. I do not say but they may chuse Men into Government, expressly with that Condition, that they shall be accountable to the People; and then the Government remains in the Body of the Nation, it is that which we properly call

call a Commonwealth. But for Sovereign Princes and Kings, even where they are chosen by the Nation, and much more in Hereditary Kingdoms; as they have their Authority from God, so they are only (a) accountable to him. For he is *the only Potentate, King of Kings, and Lord of Lords.* He alone both makes Kings by his Sovereign Power, and by the same he can unmake them when he pleases.

(a) This is Protestant Doctrin. See Sanderfon de Oblig. Conscient. VII. 20. Grot. de Jure B. & P. l. 3. 8.

Pufendorf. de Jure Nat. & Gent. VII. 6. 1. Popish Writers, as Bellarmin, Beem, &c. teach otherwise. Suarez de Legibus III. 4. 6. mentioning that Doctrin, that a People may depose their King, saith it is *altogether false*; but corrects this afterward, saying, *Nisi fortasse in Tyrannidem declinet*, unless he happen to become a Tyrant; of which this Jesuit allows the People to be Judge. He might as well have agreed with his Fellows.

Nay more than so, *He puts down one, and sets up another.* Both the Words imply something of an High Place, and here they are used of Civil Government or Dominion. Of this it is said, that God so deprives one of it, as that he advances another in his stead.

§. 26. This can be understood of nothing else but the Conquest of one Prince over another. For what one resigns by a Voluntary Act, he is said to lay down, or to give it up to another. But putting down is the Act of a Superior,

By giving one a Conquest over the other.

perior, by which one's place is taken from him against his Will. Now God being the Superior that does this by the Act of his Providence, it must be such an Act as gives the Power from *one* against his Will, to *another* whom God is pleased to set up in his stead. Thus in giving *one* Prince a Conquest over *another*, he thereby puts *one* in Possession of the other's Dominions, he makes the other's Subjects become his Subjects, or his Slaves, accordingly as they come in upon Conditions, or at the Will of the Conqueror. In short, he giveth him the whole Right and Power of the other Prince.

But how can this be? For, if the other had a Right to his Kingdom, it cannot be taken from him without Injury: and that cannot ordinarily be without a War, and all the Evils contain'd in it; which are so much Inhumanity and Impiety together, that whosoever has a true Notion of God, cannot think he would approve of things so contrary to his Justice and Goodness; much less that he would be the Author of them, as he must be according to this Doctrin.

§. 27. Thus some may object. But in Answer to this, Consider how we judge of the Actions of Kings, when they take away the Lives and Estates of Offenders. To do the same things would be Murder and Robbery in private Men. But we know they are Acts of Judgment in them that have the power of the Sword; and they would not be Faithful to their Trust if they did not do them. In this Text we are taught to think so of God, that when he puts down one, and sets up another, he doth it as a Judge, even (a) Judge among Gods. He deals with them, as they ought to do with their Subjects. Think of that, and you will not stick at this Objection.

God gives a Conquest Judicially.

(a) Psalm Lxxxii. 1.

As a Judge, he administheth Judgment and Justice, both which are said to be the Habitation of his Throne. Particularly, when he decrees a Conquest of any King or Kingdom; it is either as a Judgment on them for Offences against himself, or it is by way of Justice to others whom they have injured. And both these ways he does what is best, for the Glory of God, and the Good of Mankind.

§. 28. First by way of Judgment, or punishment for the Sins of a Prince; or People, or both;

I. By way of Judgment.

both; God ordinarily suffers a Rebellion to arise within the Kingdom, or a Foreign power to brake in upon it. And though these Rebels, or this Foreign power, may be such as have receiv'd no provocation, nor mind nothing else but Dominion and Prey: yet God makes use of them in this Case, as he doth of an Inundation at other times; He lets them loose, to over-run, and waste, and spoil the Country; to overthrow the Government, and to make themselves Lords of it; and therein to execute God's Judgment on that wicked Prince or Nation.

(a) Psalm
Lxxv. 8.

This was *Saul's* Case, on which (a) this Psalm seems to have been made. He had driven out *David*, the Terror of the *Philistines*; and put the Priests to Death for relieving him: for which Injustice and Cruelty, together with his other Sins, God brought in the *Philistines* upon him, and made him feel the want of those brave Men that he had driven away; for in the day of Battel he had none to stand by him, and so he lost both his Kingdom and his Life.

So

§. 29. So it commonly happens to those Kings that living in a *settled* (a) Kingdom, will not govern according to the Laws thereof. It is a breach of Faith, not only to their People, but to (b) God also, where they are Sworn to the observing of Laws (c). And though they are not therefore to be deposed by the People, yet they cannot escape the Vengeance of God, who ordinarily punishes them with the natural Effects of their Sin.

On Kings.
(a) King James's Works, pag. 531. Every King, in a *settled* Kingdom, is bound to observe the Paction made to his People by his Laws, in framing his

Government agreeable thereunto. *Id.* A King, governing in a *settled* Kingdom, leaves to be a King, and degenerates into a Tyrant, as soon as he leaves off to govern according to his Laws: in which Case, the King's Conscience may speak to him, as the poor Widow said to Philip of Macedon, either govern according to your Law, *Aut ne Rex sis.*

(b) King James's Works, p. 553. I was sworn to maintain the Law of the Land, and therefore I had been perjured if I had altered it. *Id.* p. 531. All Kings that are not Tyrants or perjured, will be glad to bind themselves within the Limits of their Laws. — And they that perswade them the contrary are Vipers and Pests, both against them, and the Commonwealth.

(c) Pufendorf. *de Leg. Nat. & Gent.* VII. 6. 10. If he promiseth at his Coronation to govern according to Laws, and breaks his Promise, he is Forsworn: and yet that doth not dissolve his Government. King James's Works, p. 531. Though no Christian ought to allow any Rebellion of People against their Prince, yet doth God never leave Kings unpunished when they transgress these Limits.

§. 30. Thus in the Case of not execution of Laws, especially those that are a check upon Irreligion and Immorality, the very neglect of the due Administration of Justice, though

For Neglect of Government.

E

it

it seems to be nothing at present, yet in time it will destroy the Government. It bringeth the People into a Contempt of Authority, and they are not much to be blamed for it, for what are they the better for such a Government? It lets them loose to all manner of Sins, many of which are destructive to Society, and all expose them to the Wrath of God. Both these ways they are disposed for Rebellion at home; and so enfeebled withal, that they cannot withstand a Foreign Enemy. In this corrupt and weak Estate of a Government, it is almost impossible that there should not be an Alteration.

For oppressing the People.

§. 31. On the other hand, if a Prince will have no Law but his Will, if he tramples and oppresseth his People, their Patience will not hold out always, they will at one time or other shew themselves to be but Men. At least they will have no heart to fight for their Oppressor. So that if a Foreign Enemy breaks in upon him, he is gone without remedy, unless God interpose. But how can that be, when *God is Judge* himself? Should the Judge hinder the doing of Justice? It is God's Work that Foreigner comes to do,

Howbeit

Howbeit he (a) meaneth not so. He means ^{(a) Isa. X 7.} nothing perhaps, but the satisfying of his own Lust. But though he knoweth it not, he is sent in God's Message: for which all things being prepared by natural Causes, and God not hindering his own Work, but rather hastening it, no wonder that it succeeds, and that oftentimes very easily.

§. 32. If there seems in all this to be any hard measure put upon Kings, it ought to be considered how much harder it would be upon the People, if it were otherwise. When it happens (as it doth sometimes, and that especially for the Sins of a Nation,) that they come to be under weak or wicked Kings; even these they must not *resist*, God hath ^{(b) Rom. Xiii. 2.} taught them otherwise. What then? Must they be left to the Wills of these Tyrants? Or of them that govern weak Kings, which is commonly worse? Must they endure all the load of Oppression that these will lay upon them? that is, for a few Mens pleasure must a Nation be made miserable? This is far from God's design in the Institution of Government. He makes Kings his

(a) Rom.
XIII. 4

Ministers (a) for the good of their People. If any will take that Office upon them, they must behave themselves accordingly. Otherwise, if they take it as given them only for themselves, it is such a breach of Trust, that God cannot but punish them for it. But how should he do this, so as that the punishment may have its effect, in warning others not to transgress in like manner? He cannot do this better, than by making Men his Instruments in it. And therefore it is that God, though he has infinite ways, yet commonly chuses to employ Men in this Service. He either finds them at home, that are *not afraid*

(b) Rom.
XIII. 3.

(b) of the Power as they ought to be: or he brings them in from Foreign Countries, *Whistling for the Fly out of Egypt, or the Bee out of the Land of (c) Assyria*; In plain words, stirring up a *Pharaoh* or a *Nebuchadnezzar* against them. God may employ such if he will, though none is too good for this work, to execute his righteous Judgments. And when God doth his work by their hands, whatsoever the Instruments may be, the Cause being so Just, and so evident as we have

(c) Esay
VII. 17.

have supposed; *All Men that see it will say,*
Doubtless (a) there is a God that judges on the ^{(a) Psalm}
Earth (b). ^{Lvii. 11.}
^{(b) When}
^{Don Pedro}

King of *Castile*, by his Tyranny, had so lost himself at home, and gained so many Enemies abroad, that his Bastard Brother, being set up against him by some of the Neighboring Kings, had driven him out of his Kingdom without Blood; he came to our Black Prince, who was then at *Bordeaux*, and desired him to bring him back into his Kingdom. The Prince called a Council upon it, where some of his Friends advised him to forbear: telling him the great Evils that this King had done; and adding this in the Conclusion, *All that he hath now to suffer, is but the Rod of God, sent to chastise him, and to give Example to other Christian Kings and Princes of the Earth that they may not do like him.* Froissart. Hist. l. 231.

§. 33. 2. In the way of *Justice*, God acts ^{2. God does}
as a *Judge* between two Sovereign Powers, ^{this by way}
when they bring their Causes before him; ^{of Justice.}
that is, when they make War upon one another. And when he seeth his time, that is, when he finds the Cause ripe for Judgment, if it proceeds so far, then he gives Sentence for him that is injur'd, against him that hath done the Injury. The effect of this Sentence is a Just Conquest; and that is the other way in which God, proceeding Judicially, *puts down one, and sets up another.*

That this may be the better understood, there are four things to be consider'd particularly.

First,

First, That War is an Appeal to the Justice of God.

Secondly, That none can be Parties to this, but they that are in Sovereign Power.

Thirdly, That to make it a just War, there must be a just and sufficient Cause.

Fourthly, That Conquest in such a War is a decisive Judgment of God, and gives *one* a Right to the Dominions that he has conquer'd from the *other*.

1. War is an Appeal to God.

§.34. 1. That War is an Appeal to God, this appears in the nature of the thing. For it is the Act of two Parties that differ about their Right. And they put it upon such an issue as none but God can give. For both agree in effect, that the Right shall be adjudg'd to him that has the Victory. And it is God alone that is the Giver of (a) Victory.

(a) 1 Chron. Xxix. 11.

Therefore the Judgment of God has been solemnly appeal'd to by Nations when they were engaging in War. We see a notable Instance of this in the History of *Jephtha*. When his Country was invaded by the *Ammonites*, he stood up to defend it, with this express Declaration to their King: *I have not*

(b) Judg. XI. *sinned against thee, (b) But thou dost me wrong*

to war against me, The Lord the Judge, be Judge this day between the Children of Israel and the Children of Ammon. The like Declarations are frequent in the ancient *Roman History*.

¶ 35. 2. The Parties to this Appeal, are properly such as have no Superior but God. For them that have an earthly Superior, their Appeal lies to him as *God's Minister* *(a) attending continually on this very thing.* So that Subjects know whether to go on all Occasions, whether for the asserting of their Rights, or reparation of Injuries. Their proper recourse is to the KING as *Supreme*, or to those *(b) that are Commissioned by him:* and these are to judge their Cause according to the LAW of the Land, which is the common Standard of Justice among private Men.

2. It is proper to Kings.

(a) Rom. XIII. 6.

(b) 1 Pet. II. 13, 14.

It has been the manner indeed, (and perhaps is so still in some Nations) that where Princes find a Cause too hard for them to decide, they give the Parties leave to end it in a Duel between themselves. But this, being an Appeal to God, is most strictly forbidden to Subjects in all well-order'd Kingdoms. And this very usage shews that they have no Right to it otherwise, but only by their Princes permission.

For

For Sovereign Princes, their Rights and their Injuries are inseparably joyn'd with those of their Kingdoms and Nations. And therefore they cannot pass by Injuries, as private Men may, for Peace sake: they must insist on those Rights with which God has entrusted them for others more than themselves: it is not only their Interest, but their Duty so to do.

But all Princes being equally concern'd in this matter, what if a Question shall arise between any two of them? or what if one should invade the unquestionable Rights of the other? There is no ending the difference between them in the way of private Men: for they have no earthly Superior to fly to: they have nothing to do with one another's Laws: there is no adjusting their Damages and Costs. Private Justice hath Scales to weigh out these things, (a) but publick Justice has none. Therefore Princes must have some other way to come by their Rights, or else they are in much worse Case than private Men.

(a) Bishop
Bramhall's
Works, p.
834. Private
Right, and
private Ju-
stice, is be-
tween par-
ticular Men.

Publick Right, and publick Justice, is between Common-
wealths, as in a Foreign War.

But

But what Way should that be, by which Princes can be oblig'd against their Wills to do Right to one another? It must be by such a LAW as they all agree to, and by such a JUDGE as is their common Superior. Such a Law is that which we call the Law of Nations; (b) being made up of such Customs as are observ'd among Princes, as our Common Law is made up of those that are observ'd in this Kingdom. And for that common Superior, it is God alone, who styles himself the *King of Kings* and *Lord of Lords*. But as by the Law of Nations, the Way that Princes have for the ending of those differences among themselves which cannot be ended otherwise, is (c) by War. So this (as hath been already shewn) is an Appeal to God; it is the Way that Princes have to sue one another in his Court.

(b) See *Pandect. de Jure Belli & Pacis* i. 2. 1. ad 5.

And he has therefore given them the (d) Power of the (d) Sword; that they may use it, not only in Judging their own
F People,

(b) See *Pandect.*

Jure Nat. & Gent.

II. 3. 21.

Hooker

Eccles. Pol.

I. Saith o

the Law o

Nations,

that it ca

be no more

prejudiced

by the

Laws of

any King-

dom, that

these can

be by the

Resoluti-

ons of pri-

ate Men.

(c) See *Grot. de Jure Belli & Pacis* i. 2. 1. ad 5.

(d) *Rom.*

Xiii. 3, 4.

People; but in going to Law with other Princes.

This confirms that which has been said already, that Subjects have no Right to make War, without the leave of their Princes. For as God has given Princes the Power of the Sword, so he forbids it to Subjects, under a great Penalty, *They that take the Sword shall perish with the Sword.* And if he has not admitted them to be Parties in his Court, then it is certain that they cannot sue there; or if they do, they can acquire no Right by it. There is an Original Nullity in all their Proceedings.

Dudley Digs of the unlawfulness of Subjects taking up Arms---
London, 1675. §3. p. 75. Equals---if injur'd they require Satisfaction, and upon denial of it attempt to compass it by force, they are esteem'd by the Law of Reason and Nations, Just Enemies; whereas Subjects, if they make War upon their Sovereign, tho' when wrong'd, are worthily accounted Rebels.

See *Albericus Gentilis* de jure Belli B. fol. 11. from *Pomponius*, c. 118. tituli Digest. de verb. Signif. & *Ulpian*, c. 24. tit. de Captivis. See *Grøt.* de Jure Belli & Pacis l. 3. §. 5. *Zouch* p. 30 de jure inter Gentes, l. 6.

As none have right of making War but they that are in Sovereign Power, so neither is it given to them that they may
make

make what use of it they please: Particularly, they must not make War for the satisfying of their Lusts, Ambition, Covetousness, Vain-Glory; or the like. He that troubles an earthly Court of Justice upon any litigious or trifling Account, ought to be condemned in good Costs. But if it appear he comes thither to defraud or to oppress, and that with a Colour of Justice, he must look for greater Severity. How much more ought Princes to dread the just Judgment of God, if they presume to Appeal to him for no Cause, or for such as he hates and abhors? Nay the righteous God will not hold him guiltless that hath Justice in his Cause, and yet in his Heart hath no such thing. Lawful things must be done lawfully. This Princes must look to, as they will answer it to God.

§ 35. But as far as Man can judge, it is a Lawful War that is made for a just and sufficient Cause, which is the third Thing we are to consider.

3. VVhen they have Just Cause.

To make a Cause Just, in strictness of Law, a very small matter may suffice.

(e) *Justini-*
us Instit.
l. 2.

For no Man hath right to do another the smallest Injury, any more than he hath to do him the greatest. And Princes (e) have no other way than by War to right themselves for the least Injury. But if they are so tame to pass by the smallest Injuries, it will tempt ill-mined Men to go on, and to do greater. These and many other things may be said, to make it seem reasonable that Princes should insist upon the rigor of Justice.

But after all this, we must remember we are Christians; and Christ hath given us other measures of Justice, according to which even Princes ought to govern themselves. He hath taught us to soften the rigor of Justice, with a Temperament of Goodness and Equity: And therefore not to run to Extremes, for the righting of any small, any tolerable Injury.

As in fear
of great
Danger.

§ 36. Especially War, that is such an Extreme as a wise and good Prince would not run into, if he could with a good Conscience live out of it. But that he cannot do without the leave of other Princes,

Princes, that do not consider it with so great an Aversion. They may make it Necessary for him to defend his just Rights, which he cannot forego without wronging his Conscience. They may force him to it, if they will, with insupportable Injuries. They may bring things to that pass, that the dangers of Peace may be worse than the mischiefs of War are like to be. If it once come to that, that there is more danger in sitting still, than there is like to be in the hazards of War, then it is time for them to draw the Sword, to whom it is given. (f) Lord Bacon's Works, London 1670, p. 2. And to do it first, if they can, to (f) prevent the danger of doing it too late afterwards. They may do it *Se defendendo*, as well against great and imminent

with Spain. The second of his three just Grounds for that War, was a just Fear of Subverting our Civil Estate; And thereupon he says, That Wars preventive, upon just Fears, are true Defensives, as well as upon an actual Invasion.

In his Works, London 1638. among his *Sermones Fideles*, p. 189. he goes further, in saying, *justus metus imminenti periculi, etsi violentia aliqua non processit, proculdubio Belli causa est competens & legitima*. A just Fear of imminent Danger, tho there has not been any Violence used, is out of all Doubt a sufficient and lawful Cause of War.

danger,

(g) See (g) danger, as against open actual Invasion. They may do it in (b) defence of another King's Subjects, if they see themselves in extreme danger of suffering an intolerable Injury by his Oppression of his own People. And in these Cases if one Lawfully may, then it is certain he ought to do it. There needs no Scripture for this, it is the plain natural Law of Self-preservation.

(b) Albericus Gentilis de Jure Belli, I. fol. C. 3. saith,

it is *Defensio Utilis, quando verendum ne petamur. And Defensio Honestæ, quando aliis tuemur.* He brings both these together, in the Case of Queen Elizabeth's defending the Dutch against the King of Spain. *Ib.* & fol. D. he saith, She might justly do it; for if the Government of the Netherlands should be changed, and the King of Spain become Absolute, she herself would be in Danger of him. He saith this is *ipsa Ratio Imperiorum.*

See *Grot. de Jure B. & P. II. 25. 8.* And *Pufendorf. de Jur. Nat. & Gent. VIII. 6. 14.* ending.

They are so much the more oblig'd to this, when it is evident, that the threatening mischief is like to fall upon others, as well as themselves; and them such as they are bound in Honour and Conscience to protect and support. When by sitting still they should certainly expose, not only themselves to be ruin'd, but also their Friends and Allies to perish with them;

them ; in that Case *Savitia est voluisse mori*, it is a sort of bloody Peaceableness, it is cruelty to Mankind to go to that degree of suffering Injuries.

See *Grotius de Jure Belli & Pacis* II. 20. 40.

§ 37. But especially, when the Cause of God is concern'd, to whom we owe all things, and ought to venture all for his sake. Surely 'tis his Cause, when it touches Religion ; which is all that is dear to him in this World. And tho' Religion it Self teaches us, *if it be possible, as much as in us lyes to live peaceably with all Men* ; yet as 'tis there suppos'd there may be Cause to break the Peace ; so it adds infinitely to that Cause when it comes to concern our Religion.

Especially when also Religion is concern'd.

Justinian Coll. VI. 7.

4. It is for this Cause that we

have made so many Wars in *Africk* and *Italy* ; namely, for Orthodoxy in Religion, and for the Liberty of our Subjects.

Bishop *Bilson* of the true difference between Subjection and Rebellion, *Oxford*, 1625. p. 381. in the Margin has this Position. Princes who bear the Sword may lawfully wage War for Religion.

I do not say, that Religion is to be propagated with the Sword. No, nor that (i) Princes may force it on their own

(i) *Grot. de Jure Belli & Pacis* II. 20. 48.

own Subjects ; much less, upon other Princes or their Kingdoms. These are things we justly abhor among those inhumane (k) Doctrins and Practices by which Popery has distinguished it Self from all other Religions.

(k) See
Concil.

Lateran.

IV. Canon.

4. that it

is every Prince's duty to persecute ; and that in Case he neglect it, he thereby forfeits his Dominions.

See the Oath that every Popish Bishop takes in the *Pontificiale Romanum*. It has these words in it ; I will persecute all Hereticks and Schismatics, Rebels to our Lord the Pope, and will fight against them to the utmost of my Power.

Suarez de Legibus III. 5. 8. ending. Saith, Heathen Kings cannot be deprived of their Power by War, unless they abuse it to the injury of Christian Religion, or the destruction of the Faithful that are under them, as is the constant Opinion of Divines : Meaning of them in the Roman Church.

Again III. 10. 6. If Infidels have the Faithful for their Subjects, and would turn them from the Faith or Obedience of the Church, — then the Church has just Cause of War against them. But for Heretick Princes, he says there, that the Church has direct Power over them, and may deprive them in punishment of their Infidelity or Heresie. *Ib.*

We have the more Cause to abhor it, for the sake of a Prince that is the very Scandal of Popery ; that hath not only exceeded all Heathen Cruelty, in the persecuting of his own Protestant Subjects, but even forc'd a neighbour Prince

Prince to give him Game in his Dominions. His butchering the poor *Vaudois* was barbarity beyond all Example. We have reason to believe, he would have hunted here next: His Dogs had been upon us 'ere this time, if God had not wonderfully preserved us. God preserve us still from Kings that have that way of propagating Religion.

§ 38. Yet it may be a Question, whether such Tyrannies being used on the account of Religion, give a just Cause of War to other Princes of the same Religion. I speak now of Persecution in such Countries where their Religion is not established by Law.

It is certainly true which the Apostle says, *We are all Members of one and the same Body*; and it is the duty of Members to have the same Care of one another; and whether one Member suffer, all the Members suffer with it; or one Member be honoured, all the Members rejoyce with it. It is true that Christian Princes especially, as they have the charge of that part of Christ's Body that is in their own

1 Cor. XII.
25, 26.

G

Do.

Dominions, so they ought to extend their Care and Compassion to their Fellow-Members elsewhere. But whether they ought to concern themselves for them so far as to make War on their account against their Kings by whom they are persecuted, nay whether they may lawfully do this, is a doubt that may deserve some farther Consideration.

The Christian Emperors seem to have made no doubt of this. For they made War, sometimes for no other Cause but that of Religion, against such Kings as persecuted the Christians in Their own Dominions: Sometimes, when they had other Causes of War, they preferr'd this before all the rest; which certainly they would not have done, if it had not weigh'd much in their Opinion.

Justinian.
Coll. VI.

7. 4. It is
for this

Cause that we have made so many Wars in *Africk*, and *Italy*;
viz. for Orthodoxy in Religion, and for the liberty of our
Subjects.

Of them of the Roman Communion
there hath been enough already said
to

to shew their Opinion of this Cause. They that are for propagating Religion by the Sword, cannot but think it a just Cause of War against any Prince, that he persecutes those of their Religion. We have a notable Instance of this in Cardinal *Pool*, who was one of the moderatest Papists of his age, and yet Writ a Book, wherein he prest it most earnestly upon the Emperor *Charles V.* as his duty, to give over his War with the *Turk*, and to turn his Arms against King *Henry VIII.* for oppressing the Catholics in his Dominions. Pope *Pius V.* whom they have lately made a Saint, was as earnest with the Emperor *Maximilian*, and with the Kings of *Spain, France, and Portugal.* He would have them all make War against Queen *Elizabeth*, for persecuting his Catholics; though she never touch'd one of them, till that Pope had forc'd her to it, by stirring them up to Rebellion against her with his famous Bull of Deprivation.

See *Givola-
mo Catena's*
Life of

that Pope : And from him *Camden's Annals*, A. D. 1572.

Example in
Q. Eliz.
her time.

§ 39. For the Opinion of Protestants in this matter, we have it sufficiently declared in the Reign of that excellent Queen; who made War first or last against (a) all the Popish Princes in her neighborhood, for persecuting the Protestants in their Kingdoms. And herein, she was not only justified by the Pens of our greatest (b) Lawyers and (c) Divines, but she had also the approbation and assistance of (d) our Parliaments and Convocations.

(a) Camde-
ni Annales

A.D. 1559.

In the

Queen's Consultation concerning the demands of Succor for the Protestants of Scotland against the French faction in that Kingdom, *Faith Pessimi Exempli videbatur Principem patrocinium prestare simul-
antibus Principis alterius Subditis: At Impietatis ejusdem Religionis cult-
oribus deesse.* It seem'd a thing of very ill Example for one Prince to Patronize another Prince's Subjects in Commotion: But it seem'd an Impious thing to be wanting to them of the same Religion. Whereupon the Resolution was taken, *Ejusdem Religionis Professoribus Subveniendum, & Gallos a Scotia exturbandos:* That the Professors of the same Religion must be helpt, and that the French must be driven out of Scotland.

Ib. A. D. 1562. When she sent the Earl of Warwick with an Army into France, she declared, she could not but do it, unless she would let the *Guises* do their pleasure with that young King and his Protestant Subjects. *Quodq; Maximum, ne suam Religionem, Securi-
tatem, & Salutem, ignave prodere videretur:* And which was chiefly to be considered, lest she should seem basely to betray her own Religion, Security, and Safety.

1b. A. D. 1585. After Deliberation whether she should take upon her the Protection of the States against the King of Spain, this was her Resolution, *Statuit & Christiana Pietatis esse, afflictis Belgis ejusdem Religionis Cultoribus subvenire; & Prudentia, exitiosas hostium Machinationes prævortendo, populi sibi commissi incolumitati consulere*-----*Hinc Belgarum patrocinium palam suscepit*---She did Resolve, that it was a duty of Christian Piety to help the Afflicted Dutch, being Professors of the same Religion; and that it was a point of Prudence by preventing the destructive designs of their Enemies, to provide for the Safety of her own People---*Thereupon she took upon her publicly the Protection of the Dutch.*

(b) *Abericus Gentilis* (her Professor of Law in the University of Oxford) de jure Belli D. Speaking of her War with Spain, saith, *Age, age, obfiste, Principum fortissima, nam obfistis Justissime.*

(c) Bishop Jewell's Defence of the Apology, p. 16. &c. and *Bilson* of the Difference between Subjection and Rebellion, *ubi supra.*

(d) The Acts of Parliament and Convocation that prove this, see at the end of this first Chapter.

It appears she was the rather inclin'd to do this, by a jealousy of State, for which there was an evident Cause in those Popish Doctrins before-mention'd. For she knew that those Kings accounted her and her People to be Hereticks, as well as they did their own Subjects, whom they used so very ill, for no other Cause but because they were of her Religion. And therefore she had Reason to fear, that when they had done their Work
in

in the destroying of that Religion at home in their own Kingdoms, the same blind Zeal, acted by the same Principles, would bring them hither at last for the finishing of their Work, or as some have worded it since, for *the rooting out of the Northern Heresie*. This was such a danger that if she had suffer'd it to grow upon her, it had been a betraying of her Trust, which she could not have answer'd to God. And yet, there being no way to prevent it but by making War upon them in their own Kingdoms, this ought to be accounted a Defensive War, and that made upon very just Cause, as hath been (a) already shewn.

(a) § 36.

We have Reason to hope that all Popish Princes are not under the Power of those Principles. But yet, when any of them persecutes his Subjects that are of another Religion, beyond the standing Laws of his Kingdom, they cannot expect that other Princes, which are of that Suffering Religion, can be so confident of this, as to stand idle and look on, and not rather
when

when they see the danger comes towards them, to defend themselves from it, if they can, by beginning a War in that Prince's Dominions.

§ 40. There is yet a greater Cause for this, when the Suffering Religion is that which is establisht by the Laws of that Kingdom; and yet the King that is sworn to those Laws, and therefore bound to support that Religion, is manifestly practising against it, and endeavours to supplant and oppress and extinguish it. What should other Princes or States that profess the same Religion do in this Case? They see that such a King is set upon the destroying of their Religion. He hath declar'd a hostile mind towards the Professors of it, in judging them not capable of enjoying their Temporal Rights. If he deals thus with his own People, what are Forreigners to expect at his hands? Can they think themselves secure because they are at Peace with him? They cannot, unless Treaties are more Sacred than Laws. Or
Especiall
where it is
the Religi-
on settled
by Law.
can

can they rely upon his Oath? But they see he hath broken it. And therefore they have reason to Judge, that either he makes no Conscience of an Oath, or he thinks Faith is not to be kept with Hereticks, or he hath a Superior that can dispense with him, or that will absolve him from the guilt of Perjury in such Cases where Religion is concern'd. In short, they are sure of his Will to destroy them, and cannot be sure of his Oath to the contrary. Wherein then can they be safe? But in his Want of Power to do them hurt? But he will not want Power, if they let him go on, for he is getting it as fast as he can. He is now strengthning himself by those ways that he takes to be absolute Lord of his own People: And he is now weakning Them, by oppressing all those among his People whom he knows to be their Friends and Well-wishers. He doth both these things together: He daily lessens their Party, and makes them as many more Enemies, as he gains men over to his Religion. And if that be such a Religion as pretends to a right of destroying men of other Religions; knowing this, they know what they are to expect.

When

When this pretended Right is armed with Power, it will certainly fall upon them. So that they must begin before he is ready for them, or else it will be too late to do any thing for their own Preservation.

But as it is necessary for them to do this for themselves, so they ought to do it much the rather for the Sakes of their oppressed Brethren: That, by a timely asserting of their own Right, they may also deliver them from the Evils they suffer at present, and save them from that Destruction which is coming upon them. As it was Just and Necessary on those former Accounts, so this makes it a Pious Cause, and therefore the more Worthy of a true Christian Prince. It has been judg'd so by them whose Names we have in great Veneration. We have the Examples of our own Princes here in *England* in the best of Times since the Reformation:

These the Reader may find collected to his Hand, in an excellent Book that hath been lately publish'd. But this may as well be shewn in the Examples of them whom our Princes chose to follow as their Patterns; namely, of the Christians in Primitive times,

H

and

An Answer
to the Paper
delivered
by Mr. Ash-
ton at his Ex-
ecution, to
the Sheriff
of London,
p. 16, 17, 18,
and 19.

and especially at the time of the first *Nicene* Council. In these times we find that *Constantine* and *Licinius*, having shar'd the Roman Empire between them, had pass'd a Decree together at *Milan*, for Christianity to be the establish'd Religion: And when afterward *Licinius*, in his part of the Empire, would have oppress'd it contrary to Law; for that cause *Constantine* the Great made War upon him; and in prosecution of that War, thrust him out of his Empire: For which he was so far from being blam'd by any Christian in those times, even by those that had been *Licinius's* Subjects, as most of those Bishops were that sat in the *Nicene* Council, that they all gave him the highest Praises and Encomiums, and Blessed God that had sent them that happy Deliverance by his means. *Eusebius* was *Licinius's* Subject, and he afterwards writ the Life of *Constantine* the Great, in which they that please may read whole Chapters to this purpose.

Of *Licinius*
he tells us,
how design-

ing War against his Brother in Law *Constantine*, but not thinking fit yet to declare it, first he fell upon the Christians in his own part of the Empire. *Euseb. Hist. X. 8. Edit. Vales. p. 396. B.*

He

He began first with the Bishops, not suffering them to meet in Synods. Vit. Constant. l. 51. Then he turn'd all Christians out of their places at Court. Euseb. Hist. X. 8. & Vit. Constant. l. 52. Then he turn'd all Christians out of the Army, and out of Offices. Euseb. Hist. Ib. & Vit. Constant. l. 54. Then he seiz'd their Estates. Ib. & Ib. At last he fell on the Bishops. Euseb. Hist. X. 8. p. 397. B. At first secretly and cunningly, not by himself for fear of Constantine, but by his Governors. Ib. He kill'd some Bishops for Praying for Constantine. Vit. Constant. II. 2. Then Constantine began to stir, thinking it Holy and Pious to remove one, and save a Multitude. Vit. Constant. II. 3.

The Joy of Christians upon his Victory, see Euseb. X. 9. p. 399. C, D. & Vit. Constant. II. 19. p. 452. C.

§. 41. As that is a Just War which is made upon Just and sufficient Cause, so the Effect of such a War being a Conquest, is Just, which is the Fourth thing we are to consider. Then it makes a Just Conquest.

Conquest being the way by which a Kingdom or Dominion is taken from a Sovereign Prince ^a against his Will, and by which another Prince gets it into his Possession; as often as this happens, there arises a Question between the two Princes, whether of them hath a Right to that Kingdom or Dominion. ^a See §. 26.

For the deciding of this Question, it must be by such a Law as is common to both the Parties, whose Rights are to be judg'd by it. That cannot be the Law of the Kingdom; for though the Prince that is dis-

feiz'd was oblig'd by that Law while he was in Possession, yet now it seems he is not; and it never was a Law to the Prince that is now in his place. It must therefore be a Superior Law, such as is common to all Sovereign Princes in their Affairs with one another, and that (as hath been ^b already shewn) is ordinarily the Law of Nations.

^b See §. 35.

I say Ordinarily, because there is yet a Superior Law, namely, the Law of God; whether written in our Hearts, which we commonly call the Law of Nature; or whether an express Revelation from God, such as was sometimes given to Men in ancient Times; either of these may derogate from the Law of Nations: For this, being made up of Customs observ'd by Princes and States among themselves, is always subject to the will of him that is Lord of Lords and King of Kings. But whether, or how far, this may alter the case, will be consider'd afterwards; at present we are only to consider what Judgment can be made of it, according to the Law of Nations.

And Con-
quest gi-
veth Right.

§. 42. By this it seems to be plain, that the Right should go along with the compleat Possession:

So

So as that wheresoever this is once settle'd, whether by length of time, or even sooner by a general Consent of the People, there it ought to be presum'd there is a Right, at least there ought to be no farther Dispute of it. There seems to be the same Reason for this, that there is for the Law of Nations it self; for if that Law was ordain'd for the Peace of Mankind, this quieting of Possession must be a part of it, for there can be no end of Wars otherwise.

Accordingly we see, in a Dispute between Gods Ancient People the *Jews*, and the Heathen Nations about them, when they differ'd about a Title to Land, it was agreed, that whatsoever Conquest they had made on either side, they should hold it as being given them by their God. This appears by *Jephtha's* Speech to the King of *Ammon* that had *Chemosh* for his God; *Wilt not thou possess that which Chemosh thy God giveth thee to possess? So whomsoever the Lord our God shall drive out from before us, them will we possess.* Judges XI. 24

That's a plain Evidence, so far as it goes. But that is only for part of a Country. But we have as great Proof, that God gives even

Dan. II. 21. even Kingdoms in this manner, *Dan. II. 21.* There *Daniel* having receiv'd a full Account from God, of a Vision which King *Nebuchadnezzar* had seen, and forgot; when he saw what it was, that it contain'd the Fates of Empires that were to grow up successively in the World; he adores the Majesty of God, with an humble Confession of his Prerogative, in these words, *It is He that changes the Times and the Seasons: It is He that removes Kings, and sets up Kings.* Both these ways of Expression signifie one and the same thing. For the *Chaldeans* reckon'd the *Times and the Seasons* by the Years of their Kings Reigns, as we do by the Years of our Kings Reigns at this day. And therefore according to the Change of their Kings, there was also a change of the *Times and the Seasons.*

They were the Changes of Four great Empires, which God here consider'd, not as being the greatest in the World, but as being those to which his People were to be subject. They were subject successively to those Four great Empires, of the *Babylonians*, the *Persians*, the *Greeks*, and the *Romans.* Those Four are understood in this Vision,

Vision, by *Josephus*, and by all the *Jews* that have written, and by all the *Primitive Christians*. But these words, being so understood, afford us a plain Instance of this Doctrine.

Jos. Antiq.
X. 13. 14

They shew that it is by way of Conquest that God puts down one, and sets up another. For so the *Babylonian Empire* was put down by *Cyrus*, who set up the *Persian* in its stead. The *Persian Empire* was put down in their last King *Darius*, and *Alexander* set up the *Macedon* in its stead. The *Macedon Kingdom* was put down in their last King *Perseus*, and the *Roman* was set up in its stead.

All these Kingdoms were chang'd by Conquests that they made one upon another. And so it was by those Conquests, that God remov'd Kings, and set up Kings. Which, though we see not yet, that it was any more than by the Permissive Providence of God; yet that was enough to make the People of God become Subjects to those Kings that came in by no other Title.

I do not say but they would have oppos'd the making of one of those Conquests, namely, that of *Alexander the Great*, because King
Darius

Darius was then living. But when they saw they could not Oppose, the Conquest being already made, then Just or Unjust, they submitted to it; and having submitted, they were subject without any more Controversie.

Selden. de
Jure Nat. &
Gent. VI 17.

p. 789. *Argent. 1665. Ita non solum armis Alexandri se, ex Jure quod ei competiit bello, subdidere; sed imperio ejus dilatando stipendarios se libenter tunc præbuere; nec interea de belli causâ, aut Religione disparti, solliciti.* So they not only submitted themselves to Alexander's Arms, on the account of that Right which he had gotten by War; but then they willingly offered themselves to serve under him for the farther Enlargement of his Empire; not troubling themselves the mean while, about the cause of the War, or the Difference of Religion.

Therefore also Just and Religious Kings have reckon'd their ^a Conquests among the great things that God wrought by their means; and accounted them as much their Subjects whom they had gain'd by the ^b Sword, as them that were born in their

^a Thus David, Psal. LX. Dominions.
8. & CVIII.

9. Thus Constantine the Great stil'd himself *TRIUMPHATOR*, and Stamp'd his Coin with the words *VICTORIA GOTHICA, SARMATIA DEVICTA*, &c. *DEBELLATORI GENTIUM BARBARARUM*. Thus likewise the following Christian Emperors.

^b Justinian Coll. II. 2. 10. We have recover'd all *Affric*, and subdu'd the *Vandals*, and hope to receive of God many yet greater things than these.

Id. Coll. V. 15. 1. We ordain these Laws to be observ'd in all Nations under our Government: Some whereof God gave us at first, others he hath added since, and we hope he will still increase.

There-

Therefore also God hath commanded his People to give Obedience to the Kings that came in by Conquest, without any other Title. Nay to such as were capable of no other, for they were ^a forbidden to set ^a Deut. *Stranger over them, which was not their Bro-* XVII. 15. *ther.* And yet they were Subjects to Strangers, such as *Cushan*, *Eglon*, and *Jabin*, &c. And in *Zedekia's* time God ^b commanded them ^b Jer. XXI. 8, 9. upon pain of Death to become the Subjects of *Nebuchadnezzar*, who had made a full Conquest over them, and held their Lawful King *Jeconia* then in Captivity. This is plainly the Doctrine of that ^c Convocation ^c Convocation Book, which sate in the beginning of King *James I.* l. 28. &c. his time; and therefore it cannot but be very Unjust to charge any Man with Singularity or Novelty, that goes in the Steps of so many and so great Authors.

§. 43. Yet it cannot be deni'd that many others, and those also Men of great Learning and Judgment, have not gone on so smooth with this Doctrine; they think it gives too much to the Success of a War, without due regard to the Cause on which it was made. But it is the Cause that makes a War either Just

Doubted
when the
Cause is cer-
tainly unjust

or Unjust: And though the Events of both these may be the same, for either of them may end in a Conquest, by which God *puts down one, and sets up another*; yet whether this be Justly obtain'd, or Unjustly, it makes a great Difference.

For whereas the latter happens through the Judgment of God, for the Punishing of a Sinful Prince or Nation, it doth not appear that he that is the Instrument of this, acquires any Right by it; more that those Pirates or Robbers, who are Instrumental likewise, in the Punishing of Inferior Transgressors. And if God gives no Right to him whom he sets up, then it remains still in him whom he has put down: So that he is rightful King still; though he is out of Possession, and the other is but an Usurper that is in Possession.

In this Case, if the Usurper has no Pre-
tence of Right, no Prescription of time, no
Consent of the People, but only an unjust
Possession; how a Subject ought to behave
himself towards him, even this is a *DIFFI-
CULT* *a QUESTION*, in a most learned
Man's Judgment: Who yet ^b Judges, that
even

^a *Pufend. de*
Jur. Nat. &
Gent. VII.
8, 9.
^b *Ib. VII. 8.*
10.

even here, it may be not only Lawful, but a Duty, to obey him that is in Possession; when the Legal King is reduc'd to that pass, that he can no more do the Office of a King to his People. For (saith He) the Kingdom cannot be without Government, and if the Usurper preserves the Kingdom, a Lover of his Country ought not (as things are) to give any farther cause of trouble by his unprofitable Contumacy. But then put case the Usurper hath Sworn the People to him, and doth the Office of a King, which (it seems) in his Judgment doth not take away the Duty that is owing to that former King; how one can pay his Duty to both the expel'd Legal King, and to such an Usurper. This our Author says is *A MOST DIFFICULT SCRUPLE*; and so it seems, both by his, and our most Learn'd Casuist's handling the Question, where they shew how far one ought, and how far one ought not, to comply with such an Usurpation. *Sanderfon*
Obl. Consc.
V. 17, &c.

But these Difficulties are only in case the Possession is obtain'd by a War that was certainly unjust; for if the Cause of the War was but doubtful, and a Conquest

follows upon it, there is no place for these Difficulties: Much less where the cause of War was certainly Just, for if a Conquest follows upon this, it gives a Right, and then there is no Usurpation.

No doubt
when the
Cause is cer-
tainly Just.

§.44. We judge of doubtful things by those that are certain, and therefore to speak of these first: Being certain that the Cause of War is Just, we are as certain of the Effect of it: That if it be suffer'd to run on to a Conquest, this also is Just; and we ought to look upon it as the Execution of a Sentence of God, by which, acting as a Judge in the way of Justice, *he puts down one, and sets up another.* And this being follow'd by the ^a Peoples attorning their Allegiance, the Right is as fully ^b settl'd in him that comes in in this manner, as if he came in by the ordinary way of Succession.

^a Horn. de
Civ. II. 9. 2.
(as quoted
by Pufend.
Jur. Nat. &
Gent. VII. 7.

3. If one Prince overcomes another that unjustly provokes him, and hath deserv'd it by other Injuries, he hath *forthwith* a Lawful Power against him whom he hath so overcome; and is not to stay for the Consent of the People whom he hath brought under his Dominion. Pufendorf there says, that where there was a Just Cause of Invasion, there the getting of a Country into Possession, makes for the obtaining of the Dominion thereof; and is confirm'd by the Consent of the Subjects, and their following Covenant. But that till this is had, the State of War continues, and there is no Obligation, nor Faith, and so no Dominion.

Dudley.

Dudley Digs of the Unlawfulness of Subjects taking up Arms, &c. §. 4. p. 132. Puts an Objection, That if the Conqueror comes in by Force, he may be turn'd out by the same Title. In Answer to it, he saith, *de Jure* he cannot——For though Conquest be a name of greater Strength only, and be not it self a Right, yet it is the Mother of it; because when the People are in his Power,——they pass their Consent to be his Faithful Subjects,——and this subsequent Act gives him a **LAWFUL RIGHT TO THE MONARCHY.**

b Andrews on the Commandements. *Lond.* 1650. p. 331. Kingdoms——when they are obtain'd by a Just Conquest, are not to be accounted Tyrannical, because they are Just; for there may be **A JUST TITLE BY CONQUEST**, when the War is upon Just Grounds.

Ib. p. 461. Besides those original ways of Propriety, there is also a Propriety by the Right of War, or Law of Arms; because the Magistrate hath Power and Authority——to use his Sword abroad as well as at home, and may punish a Foreign Enemy in some cases, even by expelling him his Land,——and in this Right of Propriety, he hath not only *Dominium*, the Lordship and Dominion over it, but *Usum*, the use also.

Sanderfon. Oblig. Conf. VII. 17. Speaking of them that come into Government *vi & armis*, saith, they come in either by meer Usurpation without any pretence of Right, or by making Just War upon their Enemies by whom they are unjustly provok'd.

Ib. VII. 24. He saith, **BY THE LAW OF NATIONS** that Power of a Prince is Just, which is either gotten by Just War, or which by long Possession is confirm'd as by a Right of Prescription.

Bramhall's Works, p. 527. Those whose Predecessors, **OR THEMSELVES**, have attain'd to Sovereignty by the Sword, by a Conquest in a Just War, claim immediately from God.

Ib. p. 537. Just Conquest in a Lawful War acquireth good Right of Dominion, as well as Possession.——Neither is this to alter the Course of Nature, or frustrate the Tenor of Law, but it self is **THE LAW OF NATURE AND NATIONS.**

§. 45. The Right of a Conquest being so clear when the Justice of the War is certain, there is the less to be said of the Case when there is

A doubtful Cause is enough for the Prince in Possession.

is a doubtful Cause of War. If the Effect of such a War be a Conquest, it is evident that the Right of this Conquest ought to be judg'd of very favourably; for he that hath Conquer'd is now in Possession. And therefore according to that common Saying, which is most true in this case, He hath Eleven Points of the Law. But beside, if (as it commonly happens) one of the two must be obey'd, either he that is driven out, or he that comes in his stead; the Matter being so doubtful between them; then, as it seems most reasonable that Obedience should be paid to the latter, as having all the Advantage of Law on his side, so it is plainly necessary for the Peace and Tranquility of the Nation, which cannot well be settl'd otherwise. Thus it was judg'd by our great ^a Casuist, in a Question of Hereditary Right between two or more Competitors; that as long as they are yet in Dispute with one another, *It is the Duty of one that loves his Country, to obey him that is in Possession of the Kingdom, as his Lawful Prince.*

^a Sanderfon.
de Oblig.
Consc. V. 15.
Where, among the
Examples of
such Competitors, he
mentions

that very sharp and long Dispute that was between the two Houses of York and Lancaster concerning the Succession of this Kingdom; in which, according to his Judgment; a good Patriot ought to have obey'd the King that was in Possession. And thus he concludes, *IT IS CERTAIN*

BY

BY THE CONSENT OF ALL NATIONS ALL THE WORLD OVER, *that the Laws every where* (not only that of 11 Hen. VII. but the Laws EVERY WHERE) *have favour'd him that is in Possession; and in such Cases that Famous Sentence of the Lawyers has always carried it, In rebus dubiis melior est conditio possidentis.*

§. 46. Upon this Ground it has been ^a commonly judg'd by the Law of Nations, that the Right goes along with the Possession. Of this we see Examples in every Revolution that happens in this or any other Kingdom. When a King is driven out with any colour of Right, the Neighbouring Princes and States make no great Difficulty of applying themselves to him that comes in his stead; wherein though perhaps they too much follow their own Interest, yet it cannot be said that what they do is against the Law of Nations. But what should Subjects do in this Case? Of this we have an Example in the People of God, when they pass'd successively under the Yoak of those four great Monarchs that were ^b formerly mention'd. It is likely ^b that each of those Kings that got the Power over them, first declar'd the Cause of the War that he made upon their former Lords. In that Case, though they could not judge of the Cause, whether it was Just or Unjust, yet

^a See §. 42.
The People
ought to be
satisfi'd with
this.

^b See §. 42.

yet no doubt they did well in adhering to him that was in present Possession. Thus we see they did to *Darius*, till such time as they found themselves in the Power of the Enemy: but then, the same Reason being turn'd on his side, they thought it necessary to preserve themselves and their Country, by yielding to him, who had a Just Cause of War for ought they knew, and so far as they could judge by the Success, it had Gods Ap-
probation.

*Albericus Gen-
tilis de Jure
Belli III. l. c.*

blames *Lucan* for calling *Alexander Orbis Terrarum Prædonem*. For (saith he) *Alexander* declar'd a Just Cause of War; and when he had the Victory, that then he might possess himself of his Enemies Dominions, is *MORE THEN A RECEIVED OPINION*; *Alexander's* Reasons are express'd in his Epistle to *Darius*, which is in *Arrian Exped. Alex. II.*

To a People that are in such a case, it is no small Comfort, that whatsoever doubt they may have of the Cause of the War, yet there is no doubt at all concerning their Duty: There is nothing more certain than this, that they ought to preserve themselves, if they can do it Lawfully. But it is Lawful for them to forbear Fighting, when they are unsatisfi'd of the Cause: And if their own Prince is not able to protect them, it is lawful
for

for them to take protection elsewhere. Therefore, in Case of Invasion for a Cause which is just for ought they know, it is lawful for them to live quietly under the Invader: Nay it is not only Lawful, but their Duty (as hath been (a) already shewn,) to (a) See § 45. acquiesce in his Government, when he comes to be in Possession.

§. 47. But when they are certain that a War is made upon their Prince for just Cause; that is, when they plainly see he hath drawn it upon himself, by making it (b) not only Lawful, but Necessary for another Prince to invade him for his own Preservation; What are the People to do in this Case? No doubt they ought first to have a care of their Souls, and not to endanger them by being Partakers of other Men's Sins. They cannot but see, that, by engaging in the War, they abet their own Prince in his injustice; though not in his doing the Injury, yet in continuing what is done, and in his not giving Reparation. And therefore they are subject to the same Punishment with him. Nay their Condition is worse then his: For he may shift for himself, and leave them and all they

But much more with a certain just cause.

(b) See § 36.

have to be a Prey to the Enemy : Who by right of War may do with them and theirs what he pleases. It is therefore certainly their wisest Course to keep themselves free from all Offence, both towards God and towards Man : That having had no part in the Cause of the War, they may not be involv'd in the ill Consequences of it. And this they have reason to expect from a Generous Enemy, that he will not use the Right (a) of War against them that desire to live peaceably. Much more, if he hath declar'd he would not hurt them that should not resist him, they have Reason to trust a just Prince upon his Declaration. And if he went so far as to declare, that upon their Submission they should enjoy the benefit of their own Laws ; then, although it should come to a Conquest, they may reasonably expect to be in no worse condition under the Stranger, then they were under their own Prince : They have his Faith engag'd to them for this.

But if the Stranger declares he makes War in defence of another King's Subjects, as (we (b) See §. 36. have (b) shewn,) he may lawfully do, when he finds

(a) See Grot.
de Jure B. 8.
P. III. 13. 4.
and 15. 12.

finds himself in danger of suffering by that King's Oppression of his own People; in this Case, they are first to consider, whether it is a meer pretence, or whether there be a real ground for his Declaration. If they find there is a just and sufficient ground for it, they see in effect, that it is through Them that he is struck at; and therefore the War is not so much His, as their own. It is true according to our (a) Doctrin, they (a) See §. 25. are united to their Prince as a Wife to her Husband; so that they can no more right themselves by Arms, then she can sue her Husband while the bond of Mariage continues. Yet as, when her Husband uses her extremely ill, she may complain of him to the Judge, who, if he see's Cause, may dissolve the Mariage by his Sentence; and after that she is at liberty to sue him as well as any other Man: So a People may cry to the Lord by Reason of their Oppression, and he may raise them up a Deliverer, that shall take the Government into his hands; (a Fo- Jud. II. 18. and IV. 30. Jud. III. 9, 15. reign Prince may lawfully do this, as hath been (b) already shewn; and then they (b) §. 36. are not only free to defend themselves,

but are oblig'd to joyn with Him, against their Oppressor.

For the People's Union with their Prince; though it cannot be dissolv'd but by a Sentence from God; yet by the Prince's own Act it may be so loosend, that it may be next to dissolution. The Laws are the Bond of Union between Prince and People: By these, as the Prince holds his Prerogative, so do the People their just Rights and Liberties. Now suppose a People so Opprest by their Prince, that their Laws being trodden underfoot, they are in danger of losing not only their Temporal Rights, but, as much as can be, their Eternal: In this Case, there's no doubt that the Oppressor and the Oppressed become two Parties, being distinguish'd by the most different Interests that can be in the World.

When the Cause is for their Sake, it is to them not a Conquest, but a Deliverance.

§. 48. In this Case, if another Prince, having a just Cause of War, is so far Concern'd for such a People, as to take them into his Care, and to declare that he makes the War for their Deliverance: The Effect of this War, though We may call it a Conquest, because it has Resemblance of it, yet it cannot be properly so in any respect; whether we consider

consider the Prince on whom it is made, or the People that have their Deliverance by it.

As to Him, it is properly an (a) *Eviiction* (a) *Calvin's Law-Dictionary has this sense of the word Evi-ctio; est ejus rei, quam Adversarius legitimo jure adquisierat, per Judicem recuperatio.* by the just Sentence of God; who thus put's him out of a Trust, that he abus'd to the hurt of them for whose sakes it was given him. And as to the People, it cannot be a Conquest over them, who are so far from having the War made against them, that it was made chiefly for their sakes. If there be any pretence of a Conquest, it is only over them that were their Oppressors. But as for them that were Opprest, it makes altogether on their side; So that They are the Conquerors in Effect, for they have the Benefit of it: And he that obtain'd this for them hath a much more glorious Title then that of a Conqueror, for he is properly their RESTORER and DELIVERER.

In this Sense it seems to have been us'd in speaking of the fall of *Mas-senius*; whereof see the following Note.

Thus it has been always judg'd by the People of God, as it were easy to shew in many Instances; but very few may suffice, when there is none to be produc'd on the Contrary.

For that (b) former Doctrin; We have the Example of the *Jewish Church* in the Time

(b) § 46. 47.

Time of *Alexander the Great*. When by his Victory at *Issus*, he had driven *Darius* out of *Syria*, the *Jews* yielded to him. They had had no part in the War. Even for that Reason, he did not use the Right of Conquest upon them. He requir'd nothing more at their hands, but that they should pay him the same Duties that they had paid to *Darius*, and that as many of them as pleas'd should serve him in his Wars: Both which Conditions they accepted, and perform'd, as if they had been his Natural Subjects.

Much more in that Case of *Cyrus's* Conquest. When he had taken *Babylon*, where the *Jews* were in a state of Captivity; did he use the Right of Conquest over them? Did he sell them for Slaves, or take away what they had? So far he was from it, that he restor'd them from their Captivity. Having understood from their Prophets, that God had given him those Successes for their sakes; he did not look upon them as a Conquer'd People, but as them whom God sent Him to deliver: And treated them accordingly, with all possible kindness and obligation.

But

But there are no Examples more to be observ'd by us *Christians*, then those that happen'd in the Time of *Constantin the Great*; both because he was the first *Christian* Emperor, and because the first General Council was held in his Reign. Now in those times of the purest Christianity, we find not that in any of those Countries which he had gain'd by the Sword, any *Christian* had the least scruple concerning his Right to the Government: Nay they welcom'd him to it with all Demonstrations of Joy. And though he had acquir'd a Title to it by the Expulsion of those Princes that had been ~~their~~ Oppressors, and so might have taken it upon him as a Conqueror; which Title he seem'd to (a) affect upon other Occasions; yet where he had declar'd his Cause of War to be for a Peoples Deliverance, this being so just and so honorable a Title, he us'd it, and would have no other, in all his Inscriptions.

(a) See §. 42.
Note a.

In memory of his Victory over *Maxentius*, the day on which it happen'd

Being the 27th. of October was styl'd in the *Christian Roman Calendar Evigilio Tyranni*, what that means See in the former Note. On the Arch which was set up in memory of it, and which is yet to be seen at *Rome*, there is Inscrib'd
CONSTANTINO MAXIMO &c. LIBERATORI URBS, FUNDA-
TORI

TORI QUIETIS. See *Grut. Inscr.* p. 282. In his Coins he is call'd **RESTITUTOR LIBERTATIS, CONSERVATOR URBS SUÆ,** and **AFRICÆ SUÆ &c.** See *Mediobarbus.* Likewise upon the overthrow of *Maximinus*, the joy and thanksgiving of *Christians* for their Deliverance, See in *Euseb. hist.* X. 1 and 2. And see his Panegyric to *Paulinus*, Bishop of *Tyre*, esp. p. 378. of *Valesius* Edition, and remember that both these were Subjects of that Emperor *Maximinus*. Of the joy of *Christians* upon their Deliverance from the Tyranny of *Licinius*, enough hath been said in §. 40.

There might be given many other Instances of this kind : But these are enough, to shew that one and the same Person may Conquer and drive out an oppressing Prince, and yet, as to the Subjects of that Prince, he may have no Right of Conquest; but that which is much better, the best that can be now in the World, that is, the Right of a **RESTORER** and **DELIVERER** of his People.

Acts of Parliament and Convocation in Queen Elizabeth's time, by which it ap-

pears (as hath been already said in §. 39.) that, in the Wars that She made on the account of Religion, She had both their approbation and assistance.

V^o. *Eliz.* A. D. 1562. In the Convocation that fram'd the 39 Articles. The Prelates and Clergy being Lawfully congregated, calling to remembrance &c. and finally pondering the inestimable charges sustain'd by Your Highness in reducing the Realm of Scotland to Unity and Concord; as also in procuring as much as in Your Highness lies, by all kind of Noble and prudent means, the abating of all hostility and Persecution within the Realm of France, practis'd and used against the Professors of God's holy Gospel and true Religion; hath given and granted &c. A Bill of Subsidy, in *Rastall's Collection* II. p. 84. Edit. *London*. 1618.

XIII^o. *Eliz.* A. D. 1571. When the Parliament enjoyn'd the subscribing of those Articles. The Prelates and Clergy &c. considering farther the inestimable Charges, sustain'd by Your Majesty in procuring, — by all good and prudent means, the abating of all Hostility and Persecution within the Realm of France, and in other Places, practis'd against the Professors of God's holy Gospel and true Religion; have given and granted as follows, *Rastall lb. p. 167.*

XLIII^o. *Eliz.* A. D. 1601. In her Convocation, a Subsidy was granted by the Clergy, with this reason express, *For* who should have a more lively sense of Your Majesty's princely Courage and Constancy, in advancing and protecting the free profession of the Gospel within and without Your Majesty's Dominions, then the Clergy. *Rastall lb. p. 520.*

XXXV^o. *Eliz.* There was a Subsidy granted by the Temporality, together with an acknowledgment of the Great Debt which is truly due to God to give Your Majesty abroad (in France and Flanders) in making You the Principal Support of all just and Religious Causes against Tyranny: So that this Island hath in Your Majesty's days been a Bay and Sanctuary to distressed States and Kingdoms, and is a Bulwark against the Tyrannies of mighty and usurping Potentates. *Rastall lb. p. 421.*

XXXIX^o. *Eliz.* There is another Subsidy granted to that Queen by the Temporality, almost in the same words. *Rastall lb. p. 479.*

The End of the first Part.



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